REMARKS

Claims 1-11 are pending in this application. By this Amendment, claims 1-10 are amended. Claim 11 is added. The amendments to the claims, and the added claim, introduce no new matter. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 2, rejects claims 1-5, 7, 9 and 10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0184518 A1 to Foster et al. (hereinafter "Foster"). The Office Action, in paragraph 4, rejects claims 6 and 8 under 35 U.S.C. §103(a) as being unpatentable over Foster in view of U.S. Patent No. 6,633,403 B1 to Nonaka. These rejections are respectfully traversed.

Foster teaches systems and methods for centrally processing what Foster refers to as "job ticket" (see, e.g., paragraph [0003]). Foster explains that the use of the job ticket allows printing and similar services to be allocated to numerous resources as best suited for completing the services. Such services, as described in exemplary manner in paragraph [0002] of Foster, may include non-connected systems or services as may be determined by a user. With reference to limitedly related teachings in Foster, the Office Action asserts, on page 2, that Foster can reasonably be considered to teach an encryption processor and a transmitter, as are recited in, for example, claim 1, and an encrypting and sending step as are recited, for example, in claims 7 and 10. The analysis of the Office Action fails for at least the following reasons.

In Fig. 2 and paragraphs [0036] and [0038] Foster teaches that a job ticket defines a product or a process. Foster also discloses that locking by means of encryption is performed at a branch level. Foster is intended to prevent overlapping access to a job ticket. In this regard, Foster locks a job ticket at a branch level. This is not performed for the purpose of

security. Foster passes a key used for unlocking among different processors (see., *e.g.*, paragraphs [0052] and [0053]).

Claim 1 recites, among other features, an encryption processor which encrypts each process description defined in the instruction data using information of each one job processors which executes the process, so that the process description is decryptable for the job process. Claims 7, 9 and 10 recite similar features. As such, the subject matter of the pending claims has as an objective to ensure security such that a process to be performed by one processor cannot be referred to by any other processors. To this end, the subject matter of the pending claims is directed to a system in which an instruction to be performed by a certain process or is encrypted by, for example, using a public key related to the processor such that only the processor is authorized to decrypt the instruction.

Foster cannot reasonably be considered to teach such a feature. Foster, for example, in paragraph [0125], cited by the Office Action, refers only to processing what appears to be administrative information in order that such information is not freely accessible. Specifically, this paragraph discusses an authentication server receiving authentication information from a processor and retrieving a job ticket corresponding to a job ticket reference possessed by the processor. The job ticket is described as containing two information fields: (1) the framework, containing information such as the surface ID, client IP address, expiration date and time and processor authorization; and (2) the client extension containing information such as credit card number and zip code. Despite the assertions to the contrary in the Office Action, neither this disclosure of Foster, nor any other disclosure of Foster, can reasonably be considered to teach, or even to have suggested the above-identified features.

For at least this reason, Foster cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in independent claims 1,

7, 9 and 10. Further, claims 2-5 are also neither taught, nor would they have been suggested, by Foster for at least the respective dependence of these claims directly or indirectly on an allowable claim 1, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-5, 7, 9 and 10 under 35 U.S.C. §102(e) as being anticipated by Foster are respectfully requested.

With respect to claims 6 and 8, not only does Nonaka not overcome the above-identified shortfalls in the application of Foster to the subject matter of the pending claims, but it is also unclear that Nonaka is even combinable with Foster in the manner suggested by the Office Action. The asserted motivation to combine these references, *i.e.*, to "help eliminate stale data, and free up resources for other job requests" fails to show why one of ordinary skill in the art when confronted with a desire to increase security of process descriptions transmitted between nodes would have been motivated to look to these references at all, much less for the reasons stated in the Office Action.

The Federal Circuit recently reaffirmed its prior holdings asserting that "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006) (quoting *In re Lee*, 277 F.3d 1338, 1343-46 (Fed. Cir. 2002), and *In re Rouffet*, 149 F.3d 1350, 1355-59 (Fed. Cir. 1998)). This standard is not met here as no articulated reasoning with some rational underpinning is provided. MPEP §2143.01 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP §2143.01 further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" *See also In re*

Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicants respectfully submit that the rejection of at least claims 6 and 8 is improper in view of at least MPEP §2143.01 because the Office Action lacks the required specific evidence of a teaching, suggestion or motivation in the prior art for one of ordinary skill to combine the references in the manner suggested.

For at least the foregoing reasons, Nonaka is not combinable with Foster in the manner suggested by the Office Action. To any extent that these references may be combinable, the combination of the applied references has not been adequately shown to have suggested the combinations of all of the features positively recited in independent claims 6 and 8.

Accordingly, reconsideration and withdrawal of the rejection of claims 6 and 8 under 35 U.S.C. §103(a) as being unpatentable over Foster in view of Nonaka are respectfully requested.

Claim 11 depends directly from an allowable independent claim 1. As such, claim 1 is allowable for at least its dependence on claim 1, as well as for the separately patentable subject matter that this claim recites.

In view of the foregoing, Applicants respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned at the telephone number set forth below.

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